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Letter dated 15 May 2015 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Tribunal for the Former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1534 (2004).

I would be grateful if the present letter and its annexes could be circulated to the members of the Security Council.

(*Signed*) Theodor **Meron**
President

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Annex I

[Original: English and French]

Assessment and report of Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004) and covering the period from 16 November 2014 to 15 May 2015

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1. The present report is submitted pursuant to Security Council resolution 1534 (2004), adopted on 26 March 2004, in which the Council, in paragraph 6 of the resolution, requested the International Criminal Tribunal for the Former Yugoslavia to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures have been taken to implement the completion strategy.[1]

2. The report also includes a summary of the measures that the Tribunal is taking to ensure a smooth transition to the Mechanism for International Criminal Tribunals.

I. Introduction

3. The International Tribunal for the Former Yugoslavia continued to make progress in completing its work by rendering two appeal judgements during the reporting period, including one of its largest cases, encompassing five individuals convicted at trial. At the close of the reporting period, 4 trials, involving 4 individuals, and 3 appeals, involving 10 individuals, were ongoing.

4. Following the arrests of Ratko Mladić and Goran Hadžić in 2011, there are no outstanding International Tribunal for the Former Yugoslavia fugitives. To date, the Tribunal has concluded proceedings against 147 of the 161 individuals it has indicted.

5. The Tribunal continues to make every effort to meet the targets of its completion strategy and the forecast judgement delivery dates. During the reporting period, the Tribunal rendered two appeal judgements. Following the judgements in these cases, Judge William H. Sekule, Judge Patrick Robinson and Judge Mehmet Güney completed their terms as judges of the Appeals Chamber.

6. Unfortunately, a number of delays will affect ongoing trials and appeals, although the Tribunal's judicial work is still expected to be completed in 2017. These delays are caused by a number of factors, most prominently staff attrition, but also including health concerns of accused individuals, the need to present newly discovered evidence and certain other case-specific factors. Judges will engage in internal dialogue to try to identify measures to expedite all cases.

7. The Tribunal is continuing to downsize as rapidly as it can, while ensuring that full support is provided to the remaining trials and appeals. It also worked diligently to ensure a smooth transition of functions to the Mechanism for International Criminal Tribunals in compliance with Security Council resolution 1966 (2010). The work of the Appeals Chamber continued to benefit from the decision of the Council to bring it back to its full complement of judges through the election of a replacement judge in November 2013.

[1] The present report should be read in conjunction with the previous 22 reports submitted pursuant to Security Council resolution 1534 (2004): S/2004/420 of 24 May 2004; S/2004/897 of 23 November 2004; S/2005/343 of 25 May 2005; S/2005/781 of 14 December 2005; S/2006/353 of 31 May 2006; S/2006/898 of 16 November 2006; S/2007/283 of 16 May 2007; S/2007/663 of 12 November 2007; S/2008/326 of 14 May 2008; S/2008/729 of 24 November 2008; S/2009/252 of 18 May 2009; S/2009/589 of 13 November 2009; S/2010/270 of 1 June 2010; S/2010/588 of 19 November 2010; S/2011/316 of 18 May 2011; S/2011/716 of 16 November 2011; S/2012/354 of 23 May 2012; S/2012/847 of 19 November 2012; S/2013/308 of 23 May 2013; S/2013/678 of 18 November 2013; S/2014/351 of 16 May 2014; and S/2014/827 of 19 November 2014. Except where otherwise noted, this report contains information accurate as of 11 May 2015.

II. Implementation of the completion strategy

8. The International Tribunal for the Former Yugoslavia remains committed to completing its work expeditiously, while ensuring that its trials and appeals are conducted in a manner consistent with fundamental principles of due process and fairness. It is continuing to implement measures to expedite its work. These measures include planning additional training programmes for legal drafters in the Tribunal's Chambers; providing teams with additional staff resources; actively managing the translation process for judgements and assigning additional resources to critical translations that may impact the progress of judicial proceedings; maintaining rosters of qualified applicants to ensure that departing staff are replaced promptly; requesting flexibility in applying United Nations staff regulations that could delay staff recruiting and retention; and taking other measures to address the effects of downsizing on staff members' morale. In addition, the working group of the Tribunal on trial and appeals, under the chairmanship of the Tribunal's Vice-President, closely monitors the progress of trials and appeals, identifying obstacles that could delay judicial proceedings and measures to alleviate possible delays.

9. As noted above, one critical common challenge for both trial and appeal cases involves staff attrition. Over the last year, such attrition has significantly worsened, in particular among mid- and senior-level staff members who have departed for more secure employment opportunities. These individuals brought extensive case-specific knowledge to the trials and appeals they worked on, and their departures directly contribute to the delays reported below. While new staff are recruited as rapidly as possible, they inevitably require significant amounts of time to master the extensive and complex judicial records involved in ongoing trials and appeals.

10. The Tribunal notes that it warned about the potential of staff attrition in previous completion strategy reports and proposed to address this challenge through adoption of an International Civil Service Commission-endorsed end-of-service grant, which would provide a payment to staff members who remained at the Tribunal until their positions were downsized.[2] The grant was planned after discussions with the Staff Union and would have been especially effective in providing mid- and senior-level Chambers staff with the financial stability they needed to remain at the Tribunal until the completion of their cases. These mid- and senior-level staff members often have families and require the security that the financial grant would have helped to make possible. However, although the Advisory Committee on Administrative and Budgetary Questions accepted the business case for an end-of-service grant, the idea was rejected by the Fifth Committee of the General Assembly, despite the Tribunal's analyses, which indicated that by facilitating more rapid completion of cases, the grant would result in financial savings.

11. In order to provide a more comprehensive overview of the challenges faced by the Tribunal in individual cases and the Tribunal's progress in completing its work, summaries of remaining trials and appeals are provided below.[3]

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[2] See, for example, S/2011/716 of 16 November 2011, pp. 12-13; S/2012/354 of 23 May 2012, p. 11; S/2012/847 of 19 November 2012, p. 10; S/2013/308 of 23 May 2013, p. 11; S/2013/678 of 18 November 2013, pp. 7-8.

[3] As there have not been any developments in cases referred to national jurisdictions during the reporting period, no updates on such cases are provided in the present report. There have also been no new contempt cases during the reporting period.

A. Trial proceedings

12. In the case of *Prosecutor v. Goran Hadžić*, the accused individual is charged with 14 counts of crimes against humanity and violations of the laws or customs of war. The Presiding Judge has revised the trial's projected time frame and the trial judgement is now expected in October 2016, 10 months later than previously anticipated.

13. The delay in the delivery of the trial judgement is attributable to Mr. Hadžić's grave health condition. As previously reported, the defence case commenced on 3 July 2014, but the trial has been adjourned since 20 October 2014. Further medical examinations of Mr. Hadžić's health condition are expected to be conducted in May in order to determine whether he is fit to stand trial. The Presiding Judge of the case has reported that the impact of Mr. Hadžić's health situation and the prolonged adjournment of the trial on the completion of the trial judgement cannot yet be fully assessed. However, October 2016 is the current best estimate of the trial's completion.

14. The judges and legal support team are taking all measures possible to complete the review of evidence and other steps in order to expedite proceedings when the trial recommences.

15. In the case of *Prosecutor v. Radovan Karadžić*, the accused individual is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. The Presiding Judge has revised the trial's projected time frame and the trial judgement is now expected in December 2015, two months later than previously anticipated.

16. The delay in the delivery of the trial judgement is attributable to serious staffing shortages caused by the departure of experienced staff members who possessed extensive knowledge of this complex case, which placed significant additional burdens on remaining staff members.

17. A variety of measures to expedite preparation of the trial judgement has been taken, including recruitment of additional staff members who are being provided with support to become familiar with the case as rapidly as possible. Thanks to such measures, the trial judgement is still scheduled to be rendered in 2015.

18. In the case of *Prosecutor v. Ratko Mladić*, the accused individual is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. The Presiding Judge has revised the trial's projected time frame and the trial judgement is now expected in November 2017, eight months later than previously anticipated. This projection is based on the assumption that the defence will use all the time it has been granted in order to present its case. The Chamber is not inclined to reduce this time.

19. The delay in delivery of the trial judgment is attributable in part to a request by the prosecution to reopen its case to present previously unavailable evidence.[4] The Trial Chamber estimates that the preparation for and the presentation of this evidence will take four months. Based on the extensive nature of the defence case, the Trial Chamber further expects that the post-defence case hearings (involving the

[4] The evidence relates to a mass grave recently discovered in the village of Tomašica, in the Prijedor municipality of Bosnia and Herzegovina.

presentation of rebuttal and rejoinder evidence, as well as the testimony of possible Chamber witnesses) will take another four months.

20. The judges and legal support team have taken a variety of measures to expedite preparation of the trial judgement, including requesting assignment of additional staff resources to deal with the additional complexities raised by the reopening of the prosecution case and the magnitude of the defence case. These additional staff members will be assigned on a staggered basis as they complete their duties on other cases.

21. In the case of *Prosecutor v. Vojislav Šešelj*, the accused individual is charged with nine counts of crimes against humanity and violations of the laws or customs of war.

22. Following the disqualification of Judge Frederik Harhoff in October 2013, while the case was in its deliberation phase, the Trial Chamber is now composed of Judge Jean-Claude Antonetti (presiding), Judge Mandiaye Niang and Judge Flavia Lattanzi. The Trial Chamber's decision that the trial could continue despite Judge Harhoff's replacement by Judge Niang was upheld by the Appeals Chamber on 6 June 2014. Judge Niang must now certify that he has familiarized himself with the record of proceedings prior to their recommencement. Judge Niang has advised that he will require at least until the end of June 2015 in order to do so. Presiding Judge Antonetti has indicated that he will do his best to shorten the period required to render the trial judgement once Judge Niang's review has been completed. It is estimated that the judgement could be rendered in the last quarter of 2015, unless unforeseen circumstances arise.

23. The *Šešelj* case has suffered from the departure of many Chambers staff members, including three team leaders and three senior legal officers. Every effort is being made to secure appropriate resources to ensure that final judgement drafting is not further delayed owing to these departures.

B. Appeal proceedings

24. The appeal judgement in the case of *Prosecutor v. Vujadin Popović et al.* was delivered on 30 January 2015. The Appeals Chamber reversed in part certain of the convictions of Mr. Popović, Mr. Beara, Mr. Nikolić and Mr. Miletić. It also entered new convictions against Mr. Popović, Mr. Beara, Mr. Miletić and Mr. Pandurević. The Appeals Chamber affirmed the sentences of Mr. Popović, Mr. Beara, Mr. Nikolić and Mr. Pandurević, but reduced the sentence of Mr. Miletić from 19 to 18 years of imprisonment.

25. The appeal judgement in the case of *Prosecutor v. Zdravko Tolimir* was delivered on 8 April 2015. The Appeals Chamber granted certain grounds of appeal raised by Mr. Tolimir, but affirmed his sentence of life imprisonment.

26. In the case of *Prosecutor v. Jadranko Prlić et al.*, the projected time frame for delivery of the appeal judgement has been revised and it is now expected in November 2017, five months later than previously anticipated.

27. Delay in the delivery of the appeal judgement is caused by two factors: current staff shortages and additional complexities identified after further review of case materials.

28. The judges and legal support team are taking a variety of measures to minimize delays in the preparation of the appeal judgement. These measures include immediately recruiting additional staff members and preparing a plan to make possible the deployment of additional staff resources on a staggered basis with the completion of other cases.

29. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the Presiding Judge has revised the projected time frame for delivery of the appeal judgement. It is now expected in December 2015, six months later than previously anticipated.

30. Delay in the delivery of the appeal judgement is caused by two factors. The most significant is high staff attrition rates. Several members of the legal support team who had worked on the case from the beginning have left, including a highly experienced legal officer, an experienced associate legal officer and another associate legal officer. As a result of these departures, the legal support team no longer has a member who has worked on the case from its commencement. Moreover, further analysis of case materials identified additional legal complexities that will take more time to assess.

31. The judges and legal support team are taking a variety of measures to minimize delays in the preparation of the appeal judgement. Two new members joined the team in February 2015 and additional efforts to find replacement staff have been made. However, replacing departing staff members takes time and new staff members require substantial periods of time to become familiar with the specifics of this complex case.

32. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the Presiding Judge has revised the projected time frame for delivery of the appeal judgement and it is now expected in June 2016, seven months later than previously anticipated. Because of this delay, a number of judges assigned to the case, but who were originally elected to the International Criminal Tribunal for Rwanda, have been replaced, owing to the anticipated closure of the Tribunal in Rwanda by December 2015.

33. Delay in the delivery of the appeal judgement is caused by two factors. The most significant involves staffing-related matters, including the unavailability of the team leader and the team coordinator. In addition, a legal officer, who was expected to join the legal support staff on the case during the reporting period, remained almost fully engaged in another case, following the departure of a staff member on that case. These circumstances resulted in the legal team operating without a leader and full-time coordinator for approximately two months. Moreover, the legal drafting team has identified additional legal complexities related to challenges raised by appellants in connection with the role and alleged bias of former Judge Frederik Harhoff, who sat on the trial bench of this case.

34. The judges and legal support team are taking a variety of measures to expedite the preparation of the appeal judgement. Additional staff members have been recruited and have joined the team. In addition, the drafting team is coordinating its work on related grounds to ensure early consistency between different sections of the appeal judgement.

35. The Appeals Chamber of the Tribunal now functions concurrently with the Appeals Chamber of the Mechanism. Appeals in the *Hadžić, Karadžić, Mladić* and

Šešelj cases, if any, will be filed after 1 July 2013 and will therefore fall within the jurisdiction of the Mechanism, pursuant to Security Council resolution 1966 (2010).

III. Judicial support and administration activities

A. Support for core judicial activities

36. The main priority of the Registry during the reporting period continued to be providing full support for the judicial activities of the International Tribunal for the Former Yugoslavia, thereby assisting the Tribunal in achieving its completion strategy targets. During that time, the Registry processed and disseminated over 1,750 internal and external filings, amounting to 71,197 pages. In addition, it drafted and filed approximately 110 legal submissions relevant to the Tribunal's ongoing trials and appeals or compieted cases, translated 20,000 pages and provided 700 conference interpreter-days.

37. Furthermore, in support of the ongoing trials and appeals, the Registry facilitated and serviced 108 court days during the reporting period. As a result of the completion of cases, the Tribunal was in a position to discontinue the use of one courtroom in December 2014, thus reducing the number of operating courtrooms to two, which resulted in significant cost savings.

38. During the reporting period, the Registry's Victims and Witnesses Section provided assistance and support to approximately 110 witnesses and support persons, including logistical and psychosocial support prior to, during and after testimony in The Hague and other locations, while addressing diverse needs related to age, medical condition, psychosocial well-being and physical security. The Section continued to deal with an increasing number of orders to consult protected witnesses in connection with requests for the rescission, variation, or augmentation of witness protection measures. Locating and verifying the identity of witnesses present an additional challenge, especially for those witnesses who testified over a decade ago and have not been in contact with the Tribunal since. Furthermore, the Section continued to provide necessary protection services to witnesses in ongoing trials before the Tribunal. The function of protecting witnesses in closed cases has been transferred to the Mechanism.

39. Also during the reporting period, the Registry continued to administer the Tribunal's legal aid system, overseeing approximately 150 defence team members, who work with both represented and self-represented accused individuals, thereby safeguarding the defendants' rights to legal representation and adequate resources for their defence. The Registry's Office for Legal Aid and Defence Matters also provided assistance to detained witnesses regarding legal representation and administered the appointment and remuneration of amici curiae. Following the transfer of functions to the Mechanism, the Registry continued to provide assistance in legal and operational matters relating to the management of the legal aid system.

40. During the reporting period, the Registry also continued to operate the United Nations Detention Unit, an autonomous remand centre located within a Dutch penitentiary in Scheveningen, The Hague, which runs a programme of remand in line with or exceeding international humanitarian standards. The Unit is currently detaining 19 persons. In April 2015 the Tribunal reduced the number of prison cells

significantly by decommissioning one of its three prison wings. The current number of cells represents a reduction of 62 per cent compared to the number of cells available at the Unit's highest occupancy level of 64 persons in April 2005.

B. Downsizing

41. The Office of Internal Oversight Services stated that it considered the downsizing process in the International Tribunal for the Former Yugoslavia to be best practice in leadership of a change process. The Tribunal is committed to moving towards its closure in 2017. It is continuing its planned downsizing process for the biennium 2014-2015, with adjustments to timelines for downsizing of posts made in line with revisions to the trial and appeal schedule. At the end of the biennium, the Tribunal will have approximately 400 posts, which reflects a reduction of about 70 per cent compared to when staffing levels were at their peak in 2006, with approximately 1,300 posts. The comparative review process for post reductions for the biennium 2016-2017 will be conducted throughout the second and third quarters of 2015.

42. The Tribunal's Career Transition Office provides support to staff in all aspects of career transition during the period of downsizing and closure of the Tribunal by offering training courses and organizing workshops and briefings.

IV. Support for the Mechanism for International Criminal Tribunals

A. Overview of Mechanism-related activities

43. During the reporting period, the Registry provided the branch of the Mechanism in The Hague with judicial support services, which included assistance with judicial records, language services, detention services and witness support services. In addition, assistance was provided to the Mechanism in drafting its regulatory framework so as to ensure that lessons learned and best practices from both the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are successfully reflected in the Mechanism's internal regulations. The process of drafting the regulatory framework for judicial services is nearly complete and the focus is now on drafting the regulatory framework for administrative services. Furthermore, all sections of the Registry continued to provide assistance to the Mechanism, as needed, with a variety of processes, including recruitment, communications, information technology support and Registry management.

B. Administrative support provided to the Mechanism

44. The 2014-2015 budget of the Mechanism sets forth that administrative support services will be provided by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, with the assistance of a limited number of administrative staff funded by the Mechanism. Accordingly, the two Tribunals are continuing to work together to ensure that both branches of the

Mechanism are provided with effective administrative services throughout 2014-2015, in particular in the light of the anticipated closure of the Tribunal in Rwanda at the end of 2015. The Kigali office of the Mechanism, for example, is now fully self-standing and administrative support is provided to it jointly by the International Tribunal for the Former Yugoslavia and the Arusha branch of the Mechanism.

45. In addition to the previously reported support provided by the International Tribunal for the Former Yugoslavia to the Mechanism in the areas of human resources, general services, procurement, finance, budget and information technology, the Tribunal contributes significantly to the definition of requirements and procurement of goods and services for the new Mechanism facility in Arusha, which is expected to be completed in early 2016. Furthermore, the Tribunal, together with the Mechanism, is preparing for the introduction of Umoja (an information technology project that involves the implementation of leading-edge software, which will provide a harmonized and streamlined approach to United Nations management of finance, human resources, procurement and assets) and will continue to provide support to the Mechanism during the Umoja roll-out and implementation.

C. Information security and access regime for Tribunal and Mechanism records

46. Following the issuance of Secretary-General's bulletin ST/SGB/2012/3 on International Criminal Tribunals: information sensitivity, classification, handling and access, the Mechanism Archives and Records Section is leading the process of determining appropriate classification levels for Tribunal records and documenting them in the Tribunal's retention schedules for administrative records. A new record transfer system ensures that Tribunal records are appropriately classified and marked prior to their transfer to the Section.

47. The Mechanism Archives and Records Section and the Office of the Registrar are currently developing a policy to govern public access to Tribunal and Mechanism records based on the principle of openness and transparency of the work of the United Nations, while fully recognizing the need to protect sensitive information.

48. The Tribunal's emergency response and disaster recovery plan for physical records is now operational. The working group responsible for the establishment of the plan conducted a second phase of training in December 2014. The group has now been disbanded and replaced by a standing committee.

D. Preparation of records for migration to the Mechanism

49. The Registrar has established a high-level Tribunal records and archives working group to coordinate and oversee the implementation of an overall project plan for the transfer of Tribunal records to the Mechanism. Tribunal offices continue to identify and appraise their records, and to prepare appropriate records for transfer under the direction of and with support provided by the Mechanism Archives and Records Section. This work includes auditing major collections of records to ensure that they are complete and accurate, and that they will be accessible and usable in the future.

E. Premises

50. Security Council resolution 1966 (2010) identifies the seats of the branches of the Mechanism as The Hague and Arusha. In order to maximize cost savings and efficiency, the branches of the Mechanism are co-located with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda until their respective closures.

V. Communications and outreach

51. The Registry's Communications Section provided information on the judicial proceedings of the International Tribunal for the Former Yugoslavia to a variety of target groups using traditional and new media. The Media Office provided journalists with the latest information on the Tribunal's cases, facilitated access to events, such as judgements, and responded to requests for interviews and audiovisual material. The Tribunal's presence on social media platforms continued to expand, with about 30 per cent of visits emanating from the former Yugoslavia. Users from all over the world viewed more than 1 million web pages during the reporting period, with 18 per cent of views originating from the former Yugoslavia.

52. The outreach programme worked to inform communities in the former Yugoslavia about the work of the International Tribunal for the Former Yugoslavia, with a particular focus on the region's young people. A fourth feature-length documentary, showcasing vital aspects of the Tribunal's work, entitled *Crimes before the ICTY: Central Bosnia*, premiered throughout the former Yugoslavia in March 2015. The third cycle of the youth outreach project, with generous support provided by the Government of Finland, was completed, with lectures on the Tribunal's work delivered to 570 high school and university students in Bosnia and Herzegovina, Serbia and Kosovo. More than 3,000 persons, predominantly students, visited the Tribunal and heard presentations about its work and achievements. The Tribunal's liaison offices provided assistance for the work of the Tribunal by discharging the Registry's functions and carrying out media and outreach activities in Serbia and Bosnia and Herzegovina.

53. As the Tribunal approaches the completion of its mandate, the outreach programme is being directed at ensuring handover and sustainability. Specifically, the goals are to ensure access to the Tribunal's archives, to create a repository of accurate legacy materials and to build the capacity of actors in the former Yugoslavia to use them to promote dialogue about the Tribunal's legacy. However, the programme is continuing to face severe funding challenges: it has secured sufficient funding from the European Union to guarantee its full continuation only until August 2015. If no further funds are found, efforts to create an infrastructure to provide information about the work of the Tribunal after its closure will be severely compromised. The Tribunal underscores the importance of General Assembly resolution 65/253, in which the Assembly encouraged the Secretary-General to continue to explore measures to raise adequate voluntary resources to fund the outreach programme. States and other donors are called upon to offer their support.

VI. Legacy and capacity-building

54. Pursuant to paragraph 15 of Security Council resolution 1966 (2010), the International Tribunal for the Former Yugoslavia and the Mechanism have sought the cooperation of the Governments of the States of the former Yugoslavia in establishing information and documentation centres to provide public access to the Tribunal's public records and archives. Progress has been made in Sarajevo and, potentially, in Srebrenica. The Tribunal is currently coordinating with the representatives of the City of Sarajevo and the Srebrenica-Potočari Memorial Centre to identify the most efficient modalities for the establishment and future work of the two information centres. Efforts are under way to resume discussions with Serbia and Croatia in this regard.

55. In conjunction with the Mechanism, the Web Unit is continuing its work on the legacy websites project to secure the long-term future of the websites of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, beyond closure of the two institutions. In addition, work is continuing to secure the technical integration of the website of the International Tribunal for the Former Yugoslavia into a unified content management system, from which the websites of the Mechanism and the International Criminal Tribunal for Rwanda are already operated.

VII. Conclusion

56. The International Tribunal for the Former Yugoslavia completed almost all its cases, including two important appeal cases, during the reporting period. Only seven trials and appeals remain, involving the last 14 accused individuals and appellants of the 161 indicted. The Tribunal's success in accounting for all individuals indicted, and continued progress in completing its last few trials and appeals, underscore the commitment of the international community to promoting the rule of law and ending impunity.

57. As frankly set out in the present report, the Tribunal is continuing to face significant challenges. Staff attrition, in particular, is causing additional delays in trials and appeals, and the Tribunal's inability to offer an end-of-service incentive has significantly worsened this problem. However, the Tribunal is continuing to take all steps within its power to complete its work in an expeditious manner and has succeeded in ensuring that all judicial work is scheduled to be completed in 2017, in line with previous forecasts. The Tribunal will continue to make every effort to complete its remaining work as expeditiously as possible.

58. The delays described above should not overshadow the enormous achievements of the International Tribunal for the Former Yugoslavia and its unique contribution to ending impunity. These contributions to the rule of law are due to the hard work of the Tribunal's judges, staff members, prosecutors and defence lawyers. But they are also a reflection of the continuing support provided by the Security Council, the Office of Legal Affairs, other United Nations organs, national Governments, non-governmental and transnational organizations, and other supporters. The contributions of all these stakeholders have been and continue to be crucial to the success of the Tribunal.

Annex II

[Original: English and French]

Report of Serge Brammertz, Prosecutor of the International Tribunal for the Former Yugoslavia, provided to the Security Council under paragraph 6 of Security Council resolution 1534 (2004)

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I. Overview

1. The Prosecutor submits this twenty-third completion strategy report pursuant to Security Council resolution 1534 (2004), covering developments between 16 November 2014 and 15 May 2015.

2. During the reporting period, the Office of the Prosecutor remained focused on ensuring that the remaining trials proceeded expeditiously and that the Appeals Division was effectively prepared for the large volume of remaining appellate work. At the end of the reporting period, four cases remained in the trial phase (*Karadžić*, *Mladić*, *Hadžić* and *Šešelj*), while appeal proceedings were ongoing in three cases (*Stanišić and Simatović*, *Stanišić and Župljanin*, *Popović et al.* and *Prlić et al.*). In the *Mladić*, case, the presentation of the defence case continued, while the trial proceedings in the *Hadžić* case had not yet resumed following the adjournment ordered by the Trial Chamber in October 2014 due to the accused's ill-health. In the *Karadžić* and *Šešelj* cases, the parties continued to await the judgements of the Trial Chambers. During the reporting period, appeal judgements were issued in two cases (*Popović et al.* and *Tolimir*).

3. The Office of the Prosecutor remained satisfied with the level of cooperation between the Office and the authorities in Bosnia and Herzegovina, Serbia and Croatia.

4. As noted in its last five reports, the Office was concerned with the pace and effectiveness of war crimes prosecutions by national authorities in the former Yugoslavia. Regional war crimes prosecutions confronted a number of systemic and persistent challenges, both external and internal, that posed critical risks to national post-conflict justice efforts. Improper attempts to influence independent judicial authorities continued, and war crimes prosecutions were inappropriately politicized. Moreover, a number of national judicial authorities had still not yet achieved sufficient progress in their work.

5. The Office remained of the view that these challenges could be successfully addressed and overcome if there was national ownership of post-conflict justice, appropriately supported by international assistance. The Office will continue to engage directly with national authorities and to encourage full ownership of and responsibility for the accountability process. In addition, as part of its closure planning, the Office has undertaken a needs assessment for regional war crimes prosecutions and will develop proposals for the sustainable and effective provision of support to national authorities. The Office hopes to engage with stakeholders and partners to ensure that its efforts to monitor, support and advise national judicial authorities continue after its closure.

6. On a more positive note, the Office welcomed visible developments during the reporting period regarding regional cooperation concerning war crimes cases by national authorities in Serbia and Bosnia and Herzegovina, including the arrest of eight suspects in Serbia on suspicion of participation in crimes related to the Srebrenica genocide.

7. During the reporting period, the challenge of severe staff attrition within the Office persisted. Due to rapid rates of departure, remaining staff members continued to take on two or more roles in order to ensure that court-imposed deadlines were met and other essential work was completed on time. Given its inability to offer

secure long-term employment, the Office remains committed to exploring and undertaking ways to encourage staff to remain until their posts are downsized. However, there is a limit on what may be achieved in the absence of meaningful incentives for staff members to remain to complete the mandate of the Office.

8. The Office continued to assist officials and personnel of the Mechanism for International Criminal Tribunals in transferring functions in accordance with the transitional arrangements prescribed by the Security Council.

9. July 2015 will mark the twentieth anniversary of the Srebrenica genocide. The Office would like to take this opportunity to recognize the suffering of the victims and the strength of the survivors in rebuilding their community. The Office encourages the international community, at this time, to reaffirm its commitment to achieving justice for these crimes and other crimes committed during the conflicts, and to preventing the future commission of genocide, crimes against humanity, ethnic cleansing and war crimes.

II. The completion of trials and appeals

A. Overview of the ongoing challenges

10. Events during the reporting period have demonstrated the continuing risk that justice delayed will be justice denied. One of the four remaining accused at trial is suffering from terminal cancer that may prevent the completion of his trial and the determination of his guilt or innocence. Another accused awaiting judgment was reported to be suffering from serious medical issues. While the health of the other two accused on trial was reported as stable, it is obvious that the priority is to expeditiously conclude the cases and ensure that justice is done. All of the accused are responsible, at least in part, for the delays in completing their trials, whether by remaining fugitive from justice for many years or by obstructing the course of the proceedings. At the same time, there are also lessons for the Tribunal and the international community regarding the measures needed to ensure that war crimes trials can proceed expeditiously, even under challenging circumstances.

11. Failing to complete criminal proceedings is an injustice to the victims and unsatisfactory for the accused. The Office will continue to explore all possibilities and make all efforts to expeditiously complete the remaining trials and appeals.

B. Update on the progress of trials

1. *Šešelj*

12. The trial judgement in the *Šešelj* case is currently projected to be delivered in 2015, although the exact date remains unknown. The most recently available information is that deliberations will not begin until at least the end of June 2015. The Office completed the presentation of its evidence in the case on 13 January 2010. The defence did not present any evidence. Closing arguments were heard in March 2012.

13. During the reporting period, the Trial and Appeals Chambers issued a number of decisions and orders related to the continued provisional release of Šešelj, which the

Trial Chamber originally granted in November 2014. On 13 January 2015, the Trial Chamber denied the Office's motion that Šešelj's provisional release be revoked. The Office argued that his acts and conduct following his release demonstrated that the conditions for provisional release were no longer met. On 30 March 2015, the Appeals Chamber granted the Office's appeal, overturning the decision of the Trial Chamber, and ordered the Trial Chamber to immediately revoke Šešelj's provisional release. On 14 April 2015, the Office filed a motion for enforcement of the Appeals Chamber's decision. As of the reporting date, the Trial Chamber has not issued its decision on the motion.

2. *Karadžić*

14. This case has been completed and the Trial Chamber is preparing its judgement, which is now expected to be issued in December 2015. The Office submitted its final trial brief on 29 August 2014. Closing arguments were presented between 29 September and 7 October 2014.

15. During the reporting period, the Office continued to satisfy its post-trial obligations so that the case could be handed over to the Mechanism for International Criminal Tribunals following the trial judgement. This process has involved, among other tasks, searching for and reviewing a significant number of documents for disclosure purposes, as well as preparing two major submissions on related issues at the order of the Trial Chamber. It should also be noted that following the close of the case, the *Karadžić* defence submitted more than 23 complex rule 66 (B) requests for information to the Office, which required it to devote significant resources and time in providing responses to more than 25 substantial motions filed by the *Karadžić* defence following the close of the case, including eight motions to reopen the case.

3. *Mladić*

16. The Office closed its case on 24 February 2014. The *Mladić* defence began the presentation of its evidence on 19 May 2014. The *Mladić* defence has been making extensive use of written evidence pursuant to rule 92 ter, which reduces the time taken for oral testimony overall, but still requires courtroom time for the Office to conduct in-person cross-examinations of the defence witnesses. The Office has taken measures to streamline its cross-examinations in the light of developments in the case; as of the reporting date, there has been a 20 per cent reduction in the time used for cross-examination as against initial estimates.

17. On 23 October 2014, the Trial Chamber granted the Office's motion to reopen its case-in-chief and to present evidence on the Tomašica mass grave, which Bosnian authorities only discovered in September 2013. On 27 March 2015, the Trial Chamber issued its decision granting the defence an adjournment of one month in order to prepare for the reopening of the Prosecution case. The reopening is presently scheduled to begin on 22 June 2015, and the Office has been granted nine courtroom hours to present its evidence. The defence appeal against the Trial Chamber's decision on the modalities of the reopening is pending.

4. *Hadžić*

18. The Office closed its case in October 2013. The *Hadžić* defence case commenced on 3 July 2014, eight months after the close of the Office's case and following issuance of the Trial Chamber's rule 98 bis decision. The first witness

called by the defence was the accused, whose testimony ended two months later, on 3 September 2014. An additional 10 defence witnesses testified between 3 September and 16 October 2014. The trial proceedings were adjourned on 20 October 2014 owing to Hadžić's ill-health and, as at the end of the reporting period, have not resumed. The *Hadžić* defence case is approximately 50 per cent completed, with a maximum of four to five months required to complete the evidentiary phase.

19. The Office has endeavoured to pursue all reasonable options for resuming and completing the trial, consistent with the accused's fair trial rights and the interests of justice. On 27 February 2015, the Office filed a motion to go ahead with the trial proceedings in order to complete the defence case. The Office argued that the interests of justice required resuming the proceedings, with Hadžić represented by his counsel, irrespective of whether Hadžić could attend the trial in person. On 23 March 2015, in furtherance of its motion to proceed, the Office filed its proposal to expedite the presentation of the remaining defence evidence. The Office informed the Trial Chamber that it would: agree to waive cross-examination of 13 defence witnesses, saving 37 hours of courtroom time; consider waiving cross-examination of additional defence witnesses; and consult with the defence to further reduce the time required to complete the presentation of the defence case. As of the reporting date, a decision on the Office's motion was pending.

20. On 13 April 2015, the Appeals Chamber granted Hadžić provisional release until early May 2015, overturning the Trial Chamber's decision denying provisional release. On 28 April 2015, Hadžić filed a motion to the Trial Chamber requesting a further period of provisional release, which was pending decision as of the reporting date.

C. Update on the progress of appeals

21. During the reporting period, the Appeals Chamber issued its judgements in the multi-accused *Popović et al.* case on 30 January 2015 and in the *Tolimir* case on 8 April 2015, both of which related to the Srebrenica genocide. In *Popović et al.*, the Appeals Chamber partially granted the Prosecution's appeals against acquittals at trial, entering additional convictions for conspiracy to commit genocide against two accused, for murder against one accused, and for extermination, persecution, forcible transfer and murder against a fourth accused. In *Tolimir*, the Appeals Chamber largely confirmed the convictions for genocide entered at trial and affirmed the sentence of life imprisonment.

22. The Appeals Division continues to be focused on expeditiously and effectively completing the three final appeal proceedings before the Tribunal (*Stanišić and Simatović*, *Stanišić and Župljanin* and *Prlić et al.*). During the reporting period, the Division worked on preparations for the appeals hearings in *Stanišić and Simatović* and *Stanišić and Župljanin*, which were originally scheduled for early 2015, but which are now indicated for June/July and October 2015, respectively.

23. Appeals submissions in the multi-accused *Prlić et al.* case were prepared during the reporting period. The appeals proceedings in *Prlić et al.* are among the most intensive undertaken by the Appeals Division. Notwithstanding the vast number of legal and factual issues, the complexity of the case and the difficulties presented by escalating staff attrition, the Office successfully reviewed, researched

and responded on-time to the 168 grounds of appeal argued by the accused in nearly 1,000 pages of appeal submissions. The Office also presented its written arguments on its four grounds of appeal, and will reply shortly after the end of the reporting period to over 450 pages filed by the accused in response to the Office's appeal. The Appeals Division has now commenced preparations for the appeal hearing. In the light of the size and complexity of the case, these preparations are anticipated to be continuous and intensive until the hearing is held, which the Appeals Chamber currently foresees may be in February 2017. The successful completion of these preparations will require effectively managing the anticipated high rate of staff attrition among existing staff members with extensive knowledge of the case file. Reading into the voluminous case file will be a massive undertaking for newly recruited staff members. The Office will continue to monitor its staffing situation in the coming months to ensure that preparations for the appeal hearing remain on schedule.

24. The Appeals Division continues to assist trial teams with briefing major legal issues, drafting final trial briefs and preparing closing submissions.

III. State Cooperation with the Office of the Prosecutor

25. The Office of the Prosecutor continues to rely on the full cooperation of States to successfully complete its mandate, as set out in article 29 of the statute of the International Tribunal.

A. Cooperation between the States of the former Yugoslavia and the Office of the Prosecutor

26. During the reporting period, cooperation from Serbia, Croatia and Bosnia and Herzegovina remained satisfactory. The Prosecutor met with officials in Sarajevo from 12 to 14 May 2015, and he is scheduled to meet with officials in Belgrade from 25 to 26 May 2015. In addition, throughout the reporting period, the Office has maintained a direct dialogue with governmental and judicial authorities from Serbia, Croatia and Bosnia and Herzegovina. The field offices in Sarajevo and Belgrade continued to facilitate the work of the Office of the Prosecutor in Bosnia and Herzegovina and Serbia.

1. Cooperation between Serbia and the Office of the Prosecutor

27. Serbia continues to play an important role in ensuring the successful completion of the last phase of trials and appeals of the International Tribunal, and the provision of access to the Office to documents and archives in Serbia remains important in the ongoing trial and appeals proceedings at the Tribunal. Serbia has demonstrated diligence in processing the Office's requests for assistance.

2. Cooperation between Croatia and the Office of the Prosecutor

28. The Office continues to rely on Croatia's cooperation to efficiently complete trials and appeals. Croatia has responded diligently to the Office's requests for assistance during the present reporting period.

3. Cooperation between Bosnia and Herzegovina and the Office of the Prosecutor

29. The Office continues to rely on the cooperation of Bosnia and Herzegovina to efficiently complete trials and appeals. National authorities, at both the State and entity levels, have responded promptly and adequately to the Office's requests for documents and access to Government archives. The authorities have also provided valuable assistance with witness protection matters and have facilitated the appearance of witnesses before the Tribunal.

B. Cooperation between other States and organizations and the Office of the Prosecutor

30. Cooperation and support from States outside the former Yugoslavia, as well as from international organizations, remains integral to the successful completion of the cases at the International Tribunal. Continued assistance is needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office once again acknowledges the support it has received during the reporting period from States Members of the United Nations, States and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe.

31. The international community continues to play an important role in providing incentives for States in the former Yugoslavia to cooperate with the Tribunal. The policy of the European Union of Tribunal conditionality, linking membership progress to full cooperation with the Tribunal, remains an effective tool for ensuring continued cooperation with the Tribunal and consolidating the rule of law in the former Yugoslavia. Assistance is also increasingly needed to support the prosecution of war crimes cases in the former Yugoslavia.

IV. Transition from the International Tribunal for the Former Yugoslavia to national war crimes prosecutions

32. As the Tribunal nears the completion of its mandate, the Office remains committed to promoting the effective prosecution of war crimes in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. The effective prosecution of war crimes committed during the conflicts in the former Yugoslavia is fundamental to build and sustain the rule of law, as well as for truth-seeking and reconciliation. With the approaching completion of the Tribunal's mandate, accountability for these crimes now depends on national prosecution offices and judiciaries.

33. Overall, progress in war crimes prosecutions in the countries of the former Yugoslavia remains uneven and only partially satisfactory. During the reporting period, there were important developments in regional cooperation on high-profile cases, including the *Štrpci* case and the arrests of eight suspects by Serbian authorities on suspicion of participation in the Srebrenica genocide. The Office considers that these developments are positive signs that national authorities are beginning to respond to concerns that have been previously expressed, and

encourages national authorities to continue to demonstrate their tangible commitment to cooperation and comprehensive accountability. At the same time, the reality remains that only a fraction of cases have been prosecuted to date. The pace of investigating and prosecuting war crimes cases must be significantly intensified, and much more remains to be done on the most complex and highest-priority cases, particularly those involving senior- and mid-level officials.

34. Over the past few years, the Office has redoubled its efforts, within existing resources, to monitor, support and advise national judicial authorities prosecuting war crimes cases. While these efforts have already generated important results, it is clear that further sustained engagement will be required for the foreseeable future to support national authorities in their efforts to continue the work of the Tribunal, achieve accountability for the crimes committed and build faith in the rule of law. Recognizing that its mandate will soon end, the Office has begun considering how to transition and handover its activities and expertise to ensure that appropriate support continues to be provided to national authorities after the closure of the Tribunal.

A. Challenges in establishing accountability for war crimes in the former Yugoslavia

1. Strategic prosecutions

35. Through its sustained and in-depth engagement, the Office has identified and reported a number of technical and operational issues hampering the effectiveness of national proceedings. In its previous report to the Security Council, in November 2014 (S/2014/827), the Office also identified deficient leadership, management and direction as key organizational challenges in a number of jurisdictions.

36. Furthermore, the Office has come to the conclusion that one of the most serious barriers to effective national justice is that national prosecution offices have not yet fully adopted and implemented strategic approaches for the investigation and prosecution of war crimes under their jurisdiction. Rather, and to a significant degree, investigations and prosecutions continue to be uncoordinated and narrowly focused on direct perpetrators and are not being driven by the information and evidence gathered over the last 20 years.

37. Experience at the Tribunal and other international criminal tribunals demonstrates that strategic investigations and prosecutions in the framework of an overarching prosecutorial strategy are essential when confronting large numbers of crimes committed in an organized manner. Strategic approaches enable prosecution offices to understand criminal patterns holistically and to build more successful cases against more of those who have participated in the commission of related crimes. Such methods ultimately allow for more comprehensive accountability, including, in particular, by bringing senior- and mid-level officials who bear responsibility to justice. While national war crimes strategies determine the goals of post-conflict accountability initiatives, prosecutorial strategies should identify how the work of investigators and prosecutors will be organized and directed to achieve those goals.

38. The uneven adoption by regional authorities of strategic approaches to war crimes prosecutions is evidenced by a number of indicators, including the limited number of leadership cases to-date, the absence of coordination between or joinder

of related cases and the significant gaps that remain in accountability for known groups of crimes, particularly notorious events and campaigns of criminal behaviour. These issues are apparent in prosecutions conducted by the Prosecutor's Office of Bosnia and Herzegovina, with the notable exception of prosecutions for crimes committed in the Srebrenica genocide.

39. The War Crimes Prosecutor's Office in Serbia has already initiated work on a prosecutorial strategy to enable strategic investigations and prosecutions. This is a welcome development, and the Office will provide support and advice to the Prosecutor's Office in Serbia as requested and as appropriate. The Office has also commenced discussions with the Prosecutor's Office in Bosnia and Herzegovina on the need for strategic investigations and prosecutions, and encourages that Office to apply the lessons learned from its Srebrenica-related cases to its other work.

2. Regional cooperation

40. Regional cooperation is essential to ensure that those responsible for crimes are held accountable, particularly as many suspects are no longer present in the territory where they are alleged to have committed the crimes and cannot be extradited to the territorial State for prosecution.

41. During the reporting period, meaningful results were achieved in cooperation between regional prosecution offices in the investigation and prosecution of war crimes. In December 2014, authorities in Serbia and Bosnia and Herzegovina conducted coordinated arrest operations in relation to the notorious *Štrpci* case, and initial proceedings are under way in both Serbia and in Bosnia and Herzegovina to bring those arrested to trial. In March 2015, Serbian authorities, with the cooperation and support of the Prosecutor's Office in Bosnia and Herzegovina and the Tribunal's Office, arrested eight suspects on suspicion of participation in the Srebrenica genocide. These are tangible, positive results, demonstrating how regional cooperation between judicial authorities can contribute to addressing the challenge of cross-border fugitives and achieving fuller accountability for the crimes committed. The Office encourages regional authorities to build upon these results by accelerating and expanding the use of regional cooperation protocols to transfer evidence and case files to authorities who can bring suspects to trial.

42. Unfortunately, however, the *Djukić* case demonstrates that regional cooperation continues to face key challenges. As reported in November 2014, Novak Djukić, formerly commander of the Ozren Tactical Group of the Army of the Republika Srpska, was convicted and sentenced by the State Court of Bosnia and Herzegovina to 20 years imprisonment for the so-called "Tuzla Gate Massacre", in which 71 civilians were murdered and 240 wounded. While on release pending resentencing, Djukić left Bosnia and Herzegovina for medical treatment in Serbia, and then refused to return to Bosnia and Herzegovina in July 2014 when summoned to report to jail. As Djukić cannot be extradited to Bosnia and Herzegovina, his sentence can only be enforced through the agreement between Serbia and Bosnia and Herzegovina on the mutual execution of court decisions in criminal matters. In the light of the severity of the crimes for which Djukić has been convicted, the Office urges the relevant authorities in Bosnia and Herzegovina and Serbia to resolve this matter expeditiously.

43. Increasing experience, particularly with the transfer of evidence and case files, has highlighted a number of legal impediments to the smooth and effective

functioning of regional cooperation in war crimes cases. The fair trial and due process rights of suspects must be protected, and steps must be taken to ensure that evidence is authentic, reliable and lawfully obtained. At the same time, it is equally true that unnecessary barriers should not be raised to the smooth and efficient regional cooperation. The Office encourages national authorities to review existing legislation and to give consideration to reforms that would enable and support effective regional cooperation in war crimes cases. Previous experience enabling the transfer of evidence and cases from the tribunal to national authorities may be helpful in this regard.

44. Finally, the Office is concerned that the inappropriate politicization of war crimes issues may hinder further regional cooperation and raise doubts regarding the commitment of political and governmental authorities to comprehensive accountability for crimes committed during the conflicts. During the reporting period, public officials made statements variously demanding that nationals of one State should not be prosecuted in other States, questioning the independence and impartiality of judicial authorities in other States and pressuring judicial authorities not to bring prosecutions against their nationals for crimes committed against nationals of other States. Judicial authorities are responsible for implementing regional cooperation in practice. Political and governmental authorities should respect the independence of the judiciary, and the Office encourages them to make clear their support for regional cooperation as an important means to achieve fuller accountability for war crimes.

3. Challenges in Bosnia and Herzegovina

45. During visits to Sarajevo in March and May 2015, the Prosecutor and staff of the Office met with the President of the Court of Bosnia and Herzegovina, the Chief Prosecutor and representatives of the Prosecutor's Office. In addition, the Prosecutor met with the Chief Prosecutors and Supreme Court Presidents of the Federation of Bosnia and Herzegovina and the Republika Srpska in March 2015 to discuss the processing of war crimes cases at the entity level.

46. Although there was only limited progress during the reporting period with respect to the investigation and prosecution of the category II cases (investigation files), the Prosecutor's Office in Bosnia and Herzegovina made firm commitments to take prosecutorial decisions in all outstanding cases by the end of 2015. The Office will continue to closely monitor these cases and hopes to be able to report at the end of 2015 that these commitments have been fulfilled.

47. The implementation of the national war crimes strategy continues to be considerably delayed and a large backlog of cases remains to be prosecuted. During the reporting period, a minority of the new indictments filed by the Prosecutor's Office in Bosnia and Herzegovina concerned the most complex and highest-priority cases. More generally, issues previously reported concerning the work of the Prosecutor's Office in Bosnia and Herzegovina remain in large part unresolved, including quality control, failure to join related cases and insufficient charges for crimes against humanity. Positive progress was made, however, in the prosecution of Srebrenica-related crimes with the filing of an indictment against three former mid-level police officials, including the former commander of the Zvornik police.

48. There has been quantitative progress in the processing of war crimes cases at the entity level, including in closing investigations and issuing new indictments.

Continued attention is needed regarding the resources available for the investigation and prosecution of cases at the entity level and the outputs generated from those resources. In addition, the Office encourages greater attention to qualitative assessments of war crimes processing at the entity level. In this regard, the Office notes that entity-level judiciaries have a successful record of regional cooperation, including transferring evidence and case files to other jurisdictions for trial, which may be informative for the Prosecutor's Office in Bosnia and Herzegovina as it works to strengthen regional cooperation.

49. The most significant external issue impacting the processing of war crimes cases in Bosnia and Herzegovina is the failure of responsible political authorities to adopt the judicial reform strategy. This has halted further funding for significant numbers of investigators, prosecutors and judges at the State and entity-levels under the European Union's Instrument for Pre-accession Assistance II. Responsible judicial authorities have repeatedly warned that the processing of war crimes cases will be negatively impacted unless solutions are found to continue funding these positions. The Office considers that any reduction in the number of investigators, prosecutors and judges working on war crimes cases will cause even further delays in the implementation of the national war crimes strategy.

4. Challenges in Serbia

50. Over the last decade, the War Crimes Prosecutor's Office in Serbia successfully prosecuted the category II case transferred by the Office of the Prosecutor of the Tribunal and brought some prosecutions for notorious crimes, such as crimes committed by the *Skorpion* unit and crimes committed in Vukovar. Nonetheless, there are areas for additional efforts in the overall pace and extent of war crimes processing, particularly involving senior- and mid-level military, police and political officials.

51. There have been a number of important results recently in the processing of war crimes cases in Serbia that indicate that the Prosecutor's Office in Serbia is intensifying its activities and more fully directing its attention towards complex and high-profile cases. The Office also welcomes the efforts of the Prosecutor's Office in Serbia to develop a prosecutorial strategy, and the efforts of national authorities to create a national war crimes strategy to define the goals of accountability initiatives and integrate the many aspects of post-conflict justice.

52. While definitive estimates remain to be developed, it is clear that Serbian judicial authorities will need to process a large number of war crimes cases that will predominately, but not exclusively, involve Serbian nationals suspected of committing crimes against nationals of other States. In this regard, it is critical that the national Prosecutor's Office continue as the dedicated prosecution unit for war crimes cases, that appropriate support is provided to the Office, including dedicated investigators working with prosecutors in joint investigative teams, and that all relevant State authorities cooperate with the Prosecutor's Office and expeditiously provide evidence, as requested. It is also critical that there be strong leadership within the Prosecutor's Office. The Office of the Prosecutor welcomes the recent legal amendments enabling a smooth transition between the current Chief Prosecutor and his successor.

53. The Office is concerned, however, by recent events that have the appearance of improper influence on judicial authorities and pressure to stop war crimes

prosecutions. During the reporting period, the Serbian Chief Prosecutor and his Deputy were the subjects of a number of personal attacks and unwarranted criticisms by public officials in relation to their work. In other situations, high-level officials who may be suspected of responsibility for war crimes have been publicly declared innocent before investigations and trials have been completed. The Office encourages all political and governmental authorities to strongly advocate the rule of law in relation to war crimes and to ensure that judicial independence is protected.

B. Support of the Office of the Prosecutor for the prosecution of national war crimes

54. The Office continues to assist countries in the former Yugoslavia in handling their remaining war crimes cases more successfully. The Immediate Office of the Prosecutor, under the Prosecutor's direction, leads the work of the Office to facilitate the prosecution of domestic war crimes cases through the transfer of information and expertise.

1. Transition of the support of the Office of the Prosecutor

55. While the Office has made significant efforts in the past few years to monitor, support and advise national judicial authorities, these efforts are not sustainable in the light of the nearing completion of the Office's mandate. It is clear that useful results have been achieved, and that, increasingly, the Office is relied upon by partners and stakeholders to provide objective assessments and assistance in relation to war crimes processing in the former Yugoslavia. This indicates a continuing need for monitoring, support and advice provided by expert practitioners with practical experience prosecuting crimes committed in the conflicts. In addition, there continue to be areas for improvement in the overall provision of international assistance to national authorities, including addressing unnecessary duplication, insufficient planning and a lack of consultation and integration with other programmes.

56. The Security Council, in its resolution 1966 (2010), provided that the Office of the Prosecutor of the International Residual Mechanism for Criminal Tribunals (the Mechanism for International Criminal Tribunals) would take over full responsibility from the Office of the Prosecutor of the Tribunal for responding to formal requests for assistance from national authorities. Consideration should now be given to the transition of the Office's monitoring, support and advisory activities. Recognizing that planning and implementing the transition process should begin as early as possible, the Office has been undertaking, as a first step, a needs assessment for regional war crimes prosecutions, which will include a review of international assistance currently provided by the Office and other stakeholders. The Office intends to develop a range of proposals on how to continue and strengthen its activities and functions so as to meet the identified needs of national prosecutors in the future. The Office welcomes discussions with stakeholders and partners to find solutions that will harness the expertise it has developed over the years and ensure that other mechanisms are available to continue its efforts to support and assist national jurisdictions after its closure.

2. Access to information in the databases of the Office of the Prosecutor and in the case records of the International Tribunal for the Former Yugoslavia

57. During the reporting period, the Office continued to provide information to assist national jurisdictions in prosecuting crimes arising out of the conflicts in the former Yugoslavia.

58. As of 1 July 2013, the Hague Branch of the Mechanism for International Criminal Tribunals assumed responsibility for requests for assistance regarding cases completed by the International Tribunal, although the Office of the Prosecutor retained responsibility for requests regarding ongoing cases. Tribunal personnel continued to provide assistance to the staff of the Mechanism in dealing with such requests. From 16 November 2014, the Office received five requests for assistance regarding ongoing cases, of which three came from Bosnia and Herzegovina, one from Serbia and one from authorities in another State. The Office has responded to all of those requests.

59. From 16 November 2014, the Office responded to eight rule 75 (H) applications from judicial authorities in the region in relation to ongoing cases at the Tribunal. The Mechanism for International Criminal Tribunals has assumed responsibility for applications seeking variation of protective measures for completed Tribunal cases pursuant to rule 86 (H) of the Rules of Procedure and Evidence of the Mechanism.

3. European Union/International Tribunal for the Former Yugoslavia training project

60. The joint European Union/International Tribunal for the Former Yugoslavia training project for national prosecutors and young professionals from the former Yugoslavia continues to be a central component of the Office's strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases. The presence of liaison prosecutors facilitates contacts between the trial teams and the regional judicial authorities. This is of utmost importance for the ongoing trial and appeals cases at the Tribunal as well as for cases that are prosecuted at the local level.

61. Another part of the project involves bringing young legal professionals from the former Yugoslavia with a commitment to war crimes cases to work as interns with the Office in The Hague. In January 2015, a new group of six young legal professionals from Bosnia and Herzegovina, Croatia and Serbia commenced their five-month internships. By investing in the education and training of these young legal professionals, the Office is transferring expertise which can build capacity in domestic institutions to progress their war crimes cases.

62. The Office is grateful to the European Union for supporting this very important project, thereby recognizing the need to build capacity by educating and training young lawyers from the region. The European Union and the Office have agreed to continue the young professionals component of the project until the end of 2015, and to continue the liaison prosecutors component of the project until the end of 2016.

4. Regional training

63. As previously reported, the Office has long supported capacity-building efforts in regional justice sectors, within existing resources, by providing training to its regional counterparts on a range of issues. To ensure that the training resources of the

Office are used in an effective manner, in 2014, the Office circulated its report assessing the training needs of personnel in Bosnia and Herzegovina working on war crimes cases. During the reporting period, the Office continued its extensive discussions with stakeholders, including entity-level prosecutors in Bosnia and Herzegovina, on identified needs for training. These discussions confirmed the results and recommendations of the Office's 2014 expert report on training needs. The Office encourages donors and training providers to give serious consideration to the recommendations made in its training needs assessment report, as reinforced in its recent discussions.

C. Investigating and identifying missing persons

64. As previously reported, in the Prosecutor's meetings with victims associations, the lack of information concerning missing family members is consistently identified as one of the most important outstanding issues. The search for and exhumation of mass graves and the subsequent identification of the remains need to be accelerated. It is fundamental to reconciliation in the former Yugoslavia. Victims from all sides of the conflict need to be identified.

65. During the reporting period, the Office took steps, together with the International Commission on Missing Persons, the International Committee of the Red Cross, the Embassy of the United States of America, the Missing Persons Institute of Bosnia and Herzegovina and the Prosecutor's Office of Bosnia and Herzegovina to reinvigorate the search for missing persons in Bosnia and Herzegovina. Available evidence and information previously gathered will be re-examined to identify additional leads. The process is already under way, and all participants have expressed their optimism and commitment to pursuing all available avenues to reinforce the search for missing persons in Bosnia and Herzegovina. Should this work prove successful, the Office will explore possibilities to extend the same practices to other States in the region.

66. In the previous period, Bosnia and Herzegovina, Croatia, Montenegro and Serbia undertook commitments to undertake additional responsibilities in the investigation and identification of missing persons from the conflicts. The Office encourages these authorities to ensure that their commitments are translated into concrete activities and results.

D. Reconciliation and recognition of victims' suffering

67. The upcoming commemoration of the twentieth anniversary of the Srebrenica genocide is an important opportunity to take meaningful steps towards reconciliation in the former Yugoslavia. The Office underscores that reconciliation begins with acceptance of the facts established by the International Tribunal and the International Court of Justice and by national tribunals in the region and elsewhere. The facts are that in Srebrenica, in July 1995, thousands of men and boys were killed while tens of thousands of women, children and elderly were terrorized, abused and forcibly transferred from their homes. These crimes were committed with genocidal intent; the intent to physically destroy the Bosnian Muslim community of Eastern Bosnia. All public and political figures should send a clear message that revisionism and the denial of crimes cannot be tolerated.

68. In this regard, the continuing challenges facing victims seeking to obtain compensation through civil litigation should also be highlighted. During the reporting period, there were positive developments, such as the presentation of Croatia's draft Law on the Rights of Victims of Sexual Violence. Yet for too many victims, laws establishing the right to obtain redress are unenforceable in practice due to the costs of litigation, slow proceedings and difficulty utilizing judgements from criminal cases. The negative consequences are twofold: victims remain uncompensated, and they lose confidence in the rule of law and the capacity of the justice system to vindicate their rights. The Office urges State authorities and the international community to recognize the disappointing experiences of victims in pursuing civil compensation claims and to take steps to improve efficiency and effectiveness in processing these claims.

E. Disseminating lessons learned

69. As previously reported, in addition to its work in the former Yugoslavia, the Office has increasingly been called upon to engage with national justice institutions around the world that are prosecuting war crimes or complex criminality in challenging environments, or are developing their capacities to do so. The Office aims to ensure that the lessons learned from its work and the best practices that have been developed for international prosecutions are widely-shared with national counterparts working across a range of criminal justice issues. The Office's varied experiences are also beneficial to the investigation and prosecution of other transnational and complex crimes in post-conflict and transitional societies, including terrorism, organized crime and corruption. Like prosecutors in the former Yugoslavia, national counterparts around the world have repeatedly identified investigative and prosecutorial skills and techniques in complex cases as being crucial training requirements. Within the limits of its operational capacity, the Office will continue to engage with training providers and donors working in regions outside the former Yugoslavia to ensure that appropriate practical training in essential investigative and prosecutorial techniques required for war crimes and other complex crimes is made available, thereby utilizing the unique expertise developed within the Office over the past two decades.

70. While remaining focused on its core functions, the Office is in the process of finalizing a manuscript recording its fundamental insights regarding the prosecution of sexual violence crimes, crafted with a capacity-building focus in mind. The manuscript is scheduled for publication in early 2016. Other legacy-related papers are also in progress at this time, covering topics including: lessons learned from the tracking of fugitives; the use of intercepted conversations as evidence at the Tribunal; the development and progress of investigations, including through the use of multidisciplinary teams of experts; practical aspects of prosecuting superior responsibility cases; as well as a number of other topics relevant to investigating and prosecuting complex crimes. As these experiences are potentially relevant to other judicial accountability mechanisms confronting similar challenges, the Office hopes, to the extent compatible with its operational requirements for completion of the remaining trials and appeals, to make a number of these legacy papers available to the public in the course of the biennium.

V. Downsizing

A. Downsizing of posts at the Office of the Prosecutor and career transition support for staff

71. At the beginning of the biennium, the Office had a total of 170 staff members. As of 1 January 2015, 44 posts had been downsized. The Office will continue to downsize posts based on the completion of relevant phases of the trial and appeal proceedings.

72. The Office is actively supporting measures to assist staff in making the transition from their work at the Tribunal to the next step in their careers. The Office continues to support training for its staff members and to assist staff wishing to take advantage of the services offered by the Career Transition Office. In addition, the Office is implementing a detailed strategy regarding training programmes and networking opportunities to assist its staff members. As part of this strategy, the Office is working on facilitating opportunities for its staff members to become qualified for various United Nations stand-by rosters and to work for short periods with other United Nations bodies on issues with which they have valuable relevant expertise. Given the difficulties of releasing staff members for lengthy periods, the Office is seeking to identify short-term opportunities (ideally a few weeks) for staff members on discrete assignments that can be accommodated in view of the Office's operational requirements.

B. Supporting and sharing resources with the Mechanism for International Criminal Tribunals (Hague Branch)

73. During the reporting period, the Office has continued to provide support and to share resources with the Office of the Prosecutor of the Mechanism for International Criminal Tribunals. In particular, work has proceeded on providing assistance to national authorities, including with respect to incoming requests for assistance unrelated to the ongoing trials at the International Tribunal for the Former Yugoslavia, and the procedures regarding the variation of protective measures for witnesses pursuant to rules 75 (G) and 75 (H) of the Rules of Procedure and Evidence.

VI. Conclusion

74. The Office remains firmly focused on expeditiously completing its remaining trials and appeals while simultaneously reducing its resources and downsizing staff. To ensure that these goals are met, the Office will continue to take measures within its control to reduce the time necessary to complete the remaining trials and appeals, while continuing to allocate resources flexibly and to effectively manage staff attrition and downsizing.

75. Significant challenges remain with respect to regional prosecutions of war crimes, particularly in Bosnia and Herzegovina. Some positive results have been achieved, but more expeditious progress is needed in the light of the scale of the work to be completed. The Office will continue to engage with counterparts and support improvement in national war crimes processing. The Office will also

continue to encourage improved regional cooperation on war crimes matters and will closely monitor developments.

76. In all of these endeavours, the Office relies upon, and hopes to retain, the continuing support of the international community, especially that of the Security Council.

Enclosure I

A. Trial judgements, 16 November 2014 to 11 May 2015 (by individual)

Name	*Former title*	*Initial appearance*	*Trial judgement*
None			

B. Appeal judgements, 16 November 2014 to 11 May 2015 (by individual)

Name	*Former title*	*Initial appearance*	*Appeal judgement*
Vujadin Popović	Lieutenant Colonel and Chief of Security of the Drina Corps of the Bosnian Serb Army	18 April 2005	30 January 2015 Sentenced to life imprisonment (affirmed)
Ljubiša Beara	Colonel and Chief of Security of the Bosnian Serb Army, Main Staff	12 October 2004	30 January 2015 Sentenced to life imprisonment (affirmed)
Drago Nikolić	2nd Lieutenant, served as Chief of Security for the Zvornik Brigade of the Bosnian Serb Army	23 March 2005	30 January 2015 Sentenced to 35 years of imprisonment (affirmed)
Radivoje Miletić	Chief of Operations and Training Administration of the Bosnian Serb Army, Main Staff	2 March 2005	30 January 2015 Sentenced to 18 years of imprisonment (changed from 19 years of imprisonment to 18 years)
Vinko Pandurević	Lieutenant Colonel and Commander of the Zvornik Brigade of the Drina Corps of the Bosnian Serb Army	31 March 2005	30 January 2015 Sentenced to 13 years of imprisonment (affirmed)
Zdravko Tolimir	Assistant Commander for Intelligence and Security of the Bosnian Serb Army, Main Staff	4 June 2007	8 April 2015 Sentenced to life imprisonment (affirmed)

Enclosure II

A. Persons on trial as of 11 May 2015 (by individual)

Name	*Former title*	*Initial appearance*	*Start of trial*
Vojislav Šešelj	President, Serbian Radical Party	26 February 2003	Trial commenced on 7 November 2007
Radovan Karadžić	President, Republika Srpska	31 July 2008	Trial commenced on 26 October 2009
Ratko Mladić	Commander of the Bosnian Serb Army, Main Staff	3 June 2011	Trial commenced on 16 May 2012
Goran Hadžić	President, Serbian Autonomous District Slavonia, Baranja and Western Srem	25 July 2011	Trial commenced on 16 October 2012

B. Persons on appeal as of 11 May 2015 (by individual)

Name	*Former title*	*Date of trial judgement*
Jovica Stanišić	Head, State Security Services, Republic of Serbia	30 May 2013
Franko Simatović	Commander, Special Operations Unit, State Security Services, Republic of Serbia	30 May 2013
Mićo Stanišić	Minister, Internal Affairs, Republika Srpska	27 March 2013
Stojan Župljanin	Chief of the Serb-Operated Regional Security Services Centre, Banja Luka	27 March 2013
Jadranko Prlić	President, Croatian Republic of Herceg-Bosna	29 May 2013
Bruno Stojić	Head of Department of Defence, Croatian Republic of Herceg-Bosna	29 May 2013
Milivoj Petković	Deputy Overall Commander, Croatian Defence Council	29 May 2013
Valentin Ćorić	Chief of Military Police Administration, Croatian Defence Council	29 May 2013
Berislav Pušić	Control Officer, Department of Criminal Investigations, Military Police Administration, Croatian Defence Council	29 May 2013
Slobodan Praljak	Assistant Minister of Defence of Croatia and Commander of the Croatian Defence Council, Main Staff	29 May 2013

C. Trial judgements for contempt, 16 November 2014 to 11 May 2015 (by individual)

Name	*Former title*	*Date of (order in lieu of) indictment*	*Trial judgement*
None			

D. Appeal judgements for contempt, 16 November 2014 to 11 May 2015 (by individual)

Name	*Former title*	*Date of trial contempt judgement*	*Appeal judgement*
None			

Enclosure III

Proceedings completed during the period 16 November 2014 to 15 May 2015

A. Trial judgements rendered in the period 16 November 2014 to 15 May 2015

None

B. Contempt judgements rendered in the period 16 November 2014 to 15 May 2015

None

C. Appeals from judgements rendered in the period 16 November 2014 to 15 May 2015

Popović et al. IT-05-88-A (30 January 2015)

Tolimir IT-05-88/2-A (8 April 2015)

D. Appeals from contempt rendered in the period 16 November 2014 to 15 May 2015

None

E. Final interlocutory decisions rendered on appeal in the period 16 November 2014 to 15 May 2015

Šešelj IT-03-67-AR65.1 (30 March 2015)

Hadžić IT-04-75-AR65.1 (13 April 2015)

F. Review, referral and other appeal decisions rendered in the period 16 November 2014 to 15 May 2015

None

Enclosure IV

Ongoing proceedings as of 15 May 2015

A. Trial judgements pending as of 15 May 2015

Šešelj IT-03-67-T

Karadžić IT-95-5/18-T

Mladić IT-09-92-T

Hadžić IT-04-75-T

B. Contempt judgement pending as of 15 May 2015

None

C. Appeals from judgements pending as of 15 May 2015

Stanišić and Župljanin IT-08-91-A

Prlić et al. IT-04-74-A

Stanišić and Simatović IT-03-69-A

D. Appeals from contempt pending as of 15 May 2015

None

E. Interlocutory decisions pending as of 15 May 2015

Mladić IT-09-92-AR73.5

F. Review, referral and other appeal decisions pending as of 15 May 2015

None

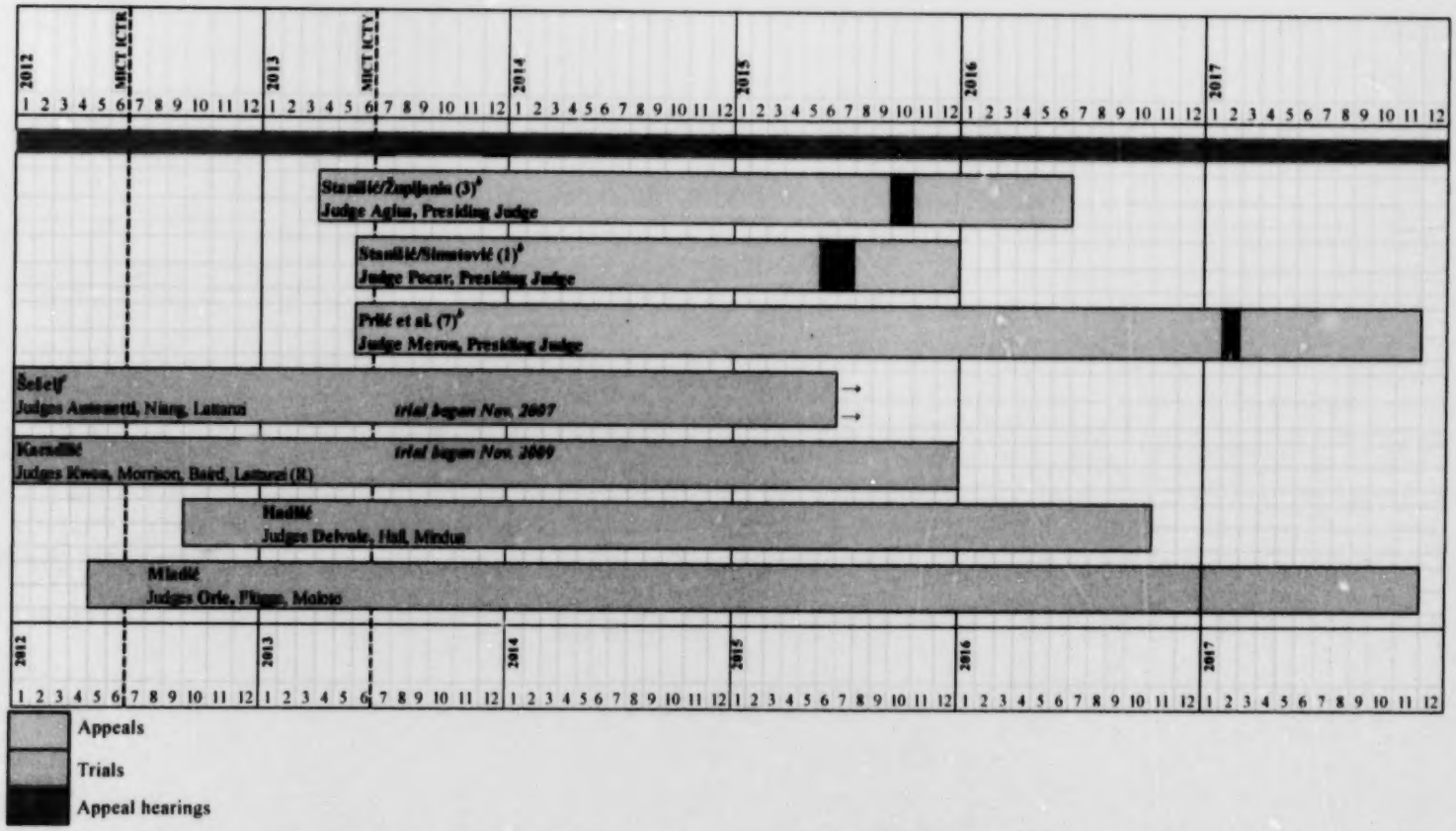
Enclosure V

Decisions and orders rendered during the period 16 November 2014 to 15 May 2015

1. Total number of decisions and orders rendered before the Trial Chambers: 120
2. Total number of decisions and orders rendered before the Appeal Chambers: 35
3. Total number of decisions and orders rendered by the President of the Tribunal: 38

Enclosure VI

Trial and appeals schedule of the International Tribunal for the Former Yugoslavia as at 15 May 2015[a]



Abbreviations: MICT, Mechanism for International Criminal Tribunals; ICTR, International Criminal Tribunal for Rwanda; ICTY, International Tribunal for the Former Yugoslavia.

[a] Contempt matters are not included.

[b] Number of accused/appellants, including the prosecution.

[c] Judge Niang, who has replaced Judge Harhoff in this case, has advised that he will require at least until the end of June 2015 to familiarize himself with the proceedings in this case. Presiding Judge Antonetti has indicated that he will do his best to shorten the period required to render the judgement once Judge Niang's review has been completed.

S/2015/343

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Security Council

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Letter dated 15 May 2015 from the Secretary-General addressed to the President of the Security Council

I refer to the exchange of letters dated 31 March and 2 April 2015 (S/2015/234 and S/2015/235) with the President of the Security Council pertaining to the expansion of the United Nations guard unit in Mogadishu.

I am pleased to inform you of the progress made in implementing the decision of the Security Council. Uganda has agreed to contribute, from newly generated troops, the additional 120 personnel required for the guard unit, bringing the total number of personnel deployed to 530. They are expected to begin their deployment during the course of the current month.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) BAN Ki-moon

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